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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/043,574 03/26/98 HALBLANDER

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EXAMINER

TM02/0227

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ART UNIT

PAPER NUMBER

2165

DATE MAILED:

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/043,574

Applicant(s)

Halblander

Examiner

Hani Kazimi

Group Art Unit
2165



☒ Responsive to communication(s) filed on Dec 11, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 21 and 32-42 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 21 and 32-42 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

1. This communication is in response to the amendment filed on December 11, 2000.

Status of Claims

2. Of the original claims 1-20, claims 1, 4, 6-8, 10, 12-14, 17, and 18 have been canceled, claims 21-31 have been added in the amendment filed on November 16, 1999. In the amendment filed on April 20, 2000, claims 23, and 25 have been canceled, claims 2, 3, 5, 9, 11, 15, 16, 19, and 20 have been amended, and claim 32 have been added. Claims 2, 3, 5, 9, 11, 15, 16, 19, 20, 22, 24, and 26-31 have been canceled, claims 21, and 32 have been amended, and claims 33-42 have been added in the amendment filed on December 11, 2000. Therefore, claims 21, and 32-42 are under prosecution in this application.

Summary of Office Action

3. Applicants' arguments with respect to claims 21, and 32 filed on December 11, 2000 have been fully considered, and discussed in the next section below or within the following rejection under 35 U.S.C. § 102 are not deemed to be persuasive. Therefore, claims 21, and 32-42 are rejected as being unpatentable over the art cited below, and Applicants' request for allowance is respectfully denied.

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Response to Applicants' Amendment

4. The Examiner acknowledges Applicants' cancellation to claims 2, 3, 5, 9, 11, 15, 16, 19, 20, 22, 24, and 26-31 to overcome the 35 U.S.C. § 112 2nd paragraph rejection, and therefore withdraws the previous office action's rejection regarding this matter. Applicants' remaining traversals are discussed under the 35 U.S.C. § 102 rejections below.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 21, and 32-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Parad U.S. Pat. No. 5,369,570.

Claims 21, 32, and 33 Parad teaches a method for situation-related deployment or activation of resources (abstract) comprising the steps of:

providing a database of resources, resource properties, and resource statuses (col. 4, lines 18-66, and col. 9, line 34 thru col. 10, line 32);

providing an electronic description of jobs to be performed including a priority for each job and at least one criterion for executing each job (col. 4, lines 18-66, col. 5, lines 40-58, and

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col. 9, line 34 thru col. 10, line 32);

conducting an ongoing optimization simulation (col. 5, lines 5-39, and col. 9, line 34 thru col. 10, line 32) comprising the steps of:

at the occurrence of an event, determining a subset of resources relevant to said event and determining the status of each of the resources in said subset (col. 4, lines 18-66, and col. 9, line 34 thru col. 10, line 32);

on an ongoing basis, taking into account all pending jobs and job priorities and job criteria and resources (col. 5, lines 5-39, and col. 9, line 34 thru col. 10, line 32);

determining the optimal job sequence at each point in time for each resource and either (col. 5, lines 5-39, and col. 9, line 34 thru col. 10, line 32):

deploying and activating an available resource for the optimal use of the available resource (col. 5, lines 5-39, and col. 9, line 34 thru col. 10, line 32).

Claim 34, Parad teaches that after the occurrence of an event, a master data record is checked to determine the relevance to said event of each of said set of resources (col. 5, lines 5-39, and col. 9, line 34 thru col. 10, line 32).

Claim 35, Parad teaches that each of said resources generates a status message when queried by a central controller (col. 8, lines 27-53).

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Claims 36, and 37, Parad teaches that each of said resources sends a status message to a central controller when the status of said resource changes, and continuously monitoring the priority of each of said plurality of jobs and the status of each of the resources in said set of resources (col. 4, lines 18-66, col. 5, lines 5-58, and col. 9, line 34 thru col. 10, line 32).

Claim 38, Parad teaches that conditional data is supplied to a given one of said plurality resources to activate said given one of said resources and wherein said given one of said resources can be deactivated by withdrawing said conditional data (col. 9, line 34 thru col. 10, line 32).

Claim 39, Parad teaches that jobs being performed by a given resource can be canceled (col. 9, line 34 thru col. 10, line 32).

Claims 40, and 41, Parad teaches that the plurality of resources are grouped according to job-related properties, and each of said resources may be included in both a primary and secondary group (col. 5, lines 5-39, col. 9, line 34 thru col. 10, line 32, and col. 16, line 32 thru col. 17, line 64).

Claim 42, Parad teaches that the criterion is selected from the group consisting of cost, speed and quality (col. 5, lines 5-39).

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Response to Arguments

7. Applicant's arguments filed December 11, 2000 have been fully considered but they are not persuasive.

In the remarks, the Applicant argues in substance that;

“Parad reference does not recalculate an optimized schedule in response to error conditions. This would require nearly an hour of processing time. Parad instead responds to changing conditions as best it can, but can not do so in an optimized way.” Parad’ system “cannot perform optimizing calculations fast enough to function in real-time.” Parad does not show or suggest a system that performs an ongoing optimization simulation.

In response to the above arguments;

Applicant admits on page 6 of the remarks filed on December 11, 2000 that both “Parad and the claimed invention are directed to systems that deploy resources on an ongoing basis”. Parad does respond to changing conditions in an optimized way (col. 5, lines 56-58), “Heuristic methods preferably identify problems, establish priorities, identify all the alternatives and best solutions, and implement actions with minimal data entry.” Parad performs a selection of the best alternative action (col. 30, lines 1-4). Also, in discussing prior art in the background of Parad references, Parad indicates that prior art systems have not provided an integrated solution for different levels of resource management (col. 2, lines 45-47), and he states that “This makes it difficult to determine future or global impacts of short term random events, such as equipment

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failure, and to respond quickly and optimally".

In response to Applicant's argument that recalculating an optimized schedule in response to error conditions requires nearly an hour of processing time. Parad's system was invented and filed in 1991, computers speed and processing is far more fast and efficient than the initial processing in 1991. It is clear from reviewing Parad's reference that the process and method steps for recalculating the entire day's schedule is no different than Applicant's claimed invention for activating resources and in carrying out an ongoing optimization simulation process.

Therefore, it is clear from the cited sections of Parad's reference above that both systems (Applicant's and Parad's) are responding to events in deploying and activating available resources in a quick and optimal way.

Conclusion

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date

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of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hani Kazimi whose telephone number is (703) 305-1061. The examiner can normally be reached Monday-Friday from 8:30 AM to 5:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached at (703) 308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 2100 or this Art Unit is (703) 308-6296 or 6306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Hani Kazimi

February 21, 2001


VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100